UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1051
11 August 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1051st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 August 1994, at 10 a.m.

Chairman: Mr. GARVALOV

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GE.94-18308 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Sixth, seventh and eighth periodic reports of Luxembourg (CERD/C/206/Add.1 and 236/Add.1)

1. At the invitation of the Chairman, Mr. Hess, Mr. Duhr, Mr. Kriéger and Mr. Weber (Luxembourg) took places at the Committee table.

2. Mr. HESS (Luxembourg) said that although the Grand Duchy had been a country of immigration since the end of the 19th century, the process had since accelerated to such an extent that it had at present reached dimensions observable nowhere else. Out of a total population of 402,000 on 31 August 1992, 130,000 or 32.4 per cent were foreign nationals. Since that proportion far exceeded the threshold neo-fascists and other ultra-nationalists in some parts of Europe currently considered to herald the submergence of national identity, the Convention, which the Grand Duchy had ratified on 1 December 1977, was regarded as being of the highest importance by the Luxembourg authorities.

3. However, European Union nationals accounted for 28.70 per cent of the total population and, since they came from countries with cultures very similar to that of Luxembourg, their assimilation did not cause the same difficulties as other countries were experiencing with immigrant populations. The immigration policy of the Grand Duchy was founded on the principle that democracy and human dignity were not attainable unless all persons residing on the national territory enjoyed equal rights and equal freedoms. The Government of Luxembourg at present applied a very generous naturalization policy, in contrast to the very restrictive approach followed up to the Second World War. Many foreign nationals, particularly those from other member States of the European Union, had taken advantage of the ease of acquisition of Luxembourg nationality.

4. The higher fertility rate among the foreign population was causing a number of problems in education, since foreign children made up over 40 per cent of the school population. The school authorities had responded by reducing the number of pupils per class, by introducing special courses for foreign pupils, and by adding an additional year to primary education to allow foreign pupils to catch up. On the recommendation of the Ministry for National Education, teaching in the mother tongues of foreign pupils had been included in the primary curriculum in some communes during the 1993-1994 school year. An aliens liaison and action committee had welcomed that step, but had expressed the hope that the practice, which was not compulsory, might be extended to other communes. The Ministry, through the schools' inspectorate, was endeavouring to persuade other communal school boards to provide such teaching.

5. A number of leaflets had been published and distributed by the Ministry for Family Affairs and Social Solidarity to provide immigrants with information on their rights and the means of recourse available to them. Radio programmes were broadcast in Italian and Portuguese - on a daily basis

in the latter language. The Immigration Service of the Ministry for Family Affairs and Social Solidarity was available to immigrants free of charge to assist them in solving their problems. In order to encourage assimilation of foreign communities, the Ministry of the Family gave financial support to a non-governmental body promoting sociocultural activities (Association de soutien aux travailleurs immigrés).

6. However, the adoption on 27 July 1993 by the Chamber of Deputies of an Act concerning the integration of aliens in the Grand Duchy of Luxembourg had called for some reorganization of activities, since the act provided for coordination of all government policy concerning aliens. The purpose of the Act, as stated in its article 1, was to facilitate the integration of aliens and provide for their social welfare. To that end, an Aliens Commission had been set up by the Government to provide assistance as set out in articles 2 and 27 of the Act and organize all activities relating to immigrants and aliens taking up residence in the Grand Duchy. Discrimination of any kind against a person or group of persons was prohibited. The establishment of hostels for foreign workers was subject to authorization and supervision by the Ministry for Family Affairs and Social Solidarity; a number of articles of the Act dealt with workers' accommodation. The Act also provided for the institution of an interministerial committee, in addition to the Aliens Commission, to coordinate policy concerning aliens.

7. The special consultative commissions responsible for the interests of foreign residents in communes where over 20 per cent of the populations were aliens had already been in existence before the adoption of the Act concerning the integration of aliens. The foreign population in 61 of the 112 communes in Luxembourg was over 20 per cent; some 10 had not as yet established such a commission. The eighth report listed in its paragraph 9 a number of the reasons given by the communes for that failure, including a lack of interest on the part of both citizens of Luxembourg and aliens and a dearth of candidates, which would indicate satisfaction with the existing situation on the part of aliens.

8. On 30 November 1991 and 2 February 1993, the Chamber of Deputies had adopted motions condemning acts of racism and xenophobia and inviting the Government to take all necessary action to prevent and punish such acts. The Government had declared its determination to facilitate the integration of aliens and its refusal to tolerate any attack on the deep sense of solidarity characteristic of Luxembourg society. Racist and xenophobic acts had resurfaced in Luxembourg, as in other European countries. The most serious event had been the defacing of gravestones in a Jewish cemetery by the inscription of swastikas on 27 February 1994 and the posting of anti-Black slogans. The authors of those acts had not been traced. There were 15 official police reports of the appearance of pro-Nazi graffiti in 1992, four in 1993 and three in 1994. There were four official police reports of thefts accompanied by pro-Nazi graffiti left at the scene of the offence in 1992, and four in 1993. In 1993, there was one report of the illegal detention of an individual. The determination of the authorities to suppress pro-Nazi activity was evident from a memorandum by the Police Directorate reproducing an instruction issued by the Public Prosecutor which stated that the sale or wearing of Nazi insignia was likely to cause a public disturbance and was as such against the law.

9. The procedures governing participation by foreigners in the European elections were set out in a Council directive. The right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union had been the subject of derogations for Luxembourg in view of the very high proportion of citizens of other members of the Union resident there. In particular, residence in Luxembourg for at least five years was necessary for such citizens to exercise the right to vote, and residence for at least 10 years in order to exercise the right to stand as a candidate, and no electoral list could consist of a majority of candidates not possessing Luxembourg nationality. The last requirement could be circumvented by submitting the names of newly-naturalized candidates, who need not even have originally been citizens of the Union. The Act setting out the procedures for elections to the European Parliament had been adopted on 28 January 1994 and had been followed by a vigorous campaign to encourage citizens of the Union to enter their names on the electoral rolls. The results had, however, been disappointing, since only 6,907 of the 45,000 Union citizens eligible to vote had registered. The party of the extreme right (Mouvement national), whose slogan was "Luxembourg for the Luxemburgers", had obtained only 2.38 per cent of the vote, representing a total of 24,141 votes, whereas a minimum of 144,897 votes were needed to secure a seat. In the national elections, held on the same day as the European elections, the same party had won no seat and had received on average only 2.25 per cent of the vote.

10. Mr. DIACONU (Country Rapporteur), noting with satisfaction that, in relation to its size, Luxembourg had sent a large delegation to the Committee, thanked the delegation for the additional information provided in its introductory statement. It was only in the past few decades that Luxembourg had been exposed to the problems arising from the juxtaposition of population groups of different ethnic origins and cultures. It had, however, made and was continuing to make every effort to adapt itself to that situation.

11. The three reports before the Committee had followed its guidelines and, taken together, gave a clear description of the political, legal and institutional framework in Luxembourg. They also provided details of the foreign nationals resident there. Over 30 per cent of the total population was of foreign origin; 85 per cent of aliens were Europeans, 40 per cent being Portuguese and 20 per cent Italian. Even though such a situation resulted from the free movement of persons within the European Union, it illustrated the pertinence of the Convention to the country. The Government of Luxembourg was itself conscious of the fact and had adopted a firm policy with regard to racist and xenophobic acts in conformity with article 2 of the Convention. However, that policy was not fully reflected in domestic legislation. The Constitution contained no provisions condemning or prohibiting racial discrimination. Such provisons were particularly necessary with regard to article 4 of the Convention. Although article 455 of the Penal Code established penalties for racial discrimination in the provision of goods and services, or for incitement to racial hatred or membership of a group with that aim, it did not penalize the dissemination of ideas based on racial superiority or hatred or incitement to racial discrimination in the widest sense and, what was more, did not prohibit organizations or propaganda activities that promoted and incited racial discrimination. The provisions of article 4 were very pertinent, particularly as the Government of Luxembourg had acknowledged in paragraphs 7 and 8 of the seventh report

(CERD/C/206/Add.1) and in its introductory statement that racist and xenophobic groups did exist in the country. Furthermore, the European Union had recently recommended that its member States should review their legal remedies for racist acts; he asked what response Luxembourg intended to make to those recommendations.

12. The relationship between the Convention and domestic law ought to be clarified either in the Constitution or by legislation. He would like to know, for example, whether the provisions of the Convention could be invoked in the courts and whether, in any conflict between the Convention and domestic law, the Convention took precedence, as would appear from interpretation of the general principles of law and the provisions of the Constitution as a whole. If so, would it not be preferable to make a clear statement of that rule in the Constitution?

13. With regard to article 5 of the Convention, he was interested to note the establishment of arrangements for consultation with aliens at both the local and the national level. However, efforts should continue to make such arrangements more effective in order to integrate foreign residents more fully in the country's public life. It was noteworthy that, according to paragraphs 8-10 of the eighth report (CERD/C/236/Add.1), a number of communes with over 20 per cent of resident aliens either did not have a consultative commission or had one that was inactive. It was also significant that only a small number of aliens eligible to vote in the European elections had done so.

14. He applauded the efforts that had been made to include teaching in the mother tongue in Luxembourg schools and welcomed the fact that radio programmes were broadcast in the languages of immigrants. More information on the subject would be welcome; for example, in view of the high proportion of foreign students in schools, what arrangements were being made to provide teaching of the language and culture of their countries of origin in secondary schools? In his introductory statement, the representative of Luxembourg had referred to integration of the population of foreign origin. If such integration aimed at complete assimilation, it would be unacceptable to the Committee. It could, however, accept a form of integration implying that persons of foreign origin could participate fully in the country's public life while maintaining their national identity.

15. According to paragraph 48 of the seventh report, there was a distinction in the requirements for nationals of member States of the European Union and those of other countries with regard to the practice of commercial and liberal professions during short visits to the country. Since such a distinction would appear to contravene article 5(e)(i) of the Convention, he would welcome further information from the delegation. He noted that there were Grand Duchy regulations whereby nationals of specified third-party States could be placed on the same footing as European Union citizens, and asked for information on their application. The problem was common to all member States of the European Union and would have to be clarified jointly with respect to article 5 of the Convention. Some way would have to be found to reconcile respect for the provisions of that article with the trend towards European integration and an eventual single citizenship.

16. Nationals of countries outside the European Union also tended to come to Luxembourg. Among refugees from former Yugoslavia, 2,200 had had temporary residence status since 1993, 300-400 were in employment, and 220-250 were living in the country with no specific status. He would like further information on the situation of such refugees in relation to the Convention.

17. With regard to articles 6 and 7 of the Convention, it would be useful if Luxembourg were to include in its next report some information on the remedies available in the courts and other national bodies in the event of any act of racial discrimination as well as information on measures taken in the areas of education, culture and information to combat prejudices that fostered discrimination.

18. Mr. VALENCIA RODRIGUEZ noted that the high proportion of foreign residents had led Luxembourg to adopt policies differing from those of other European countries. In particular, Luxembourg law laid stress on the equality of its inhabitants and the enjoyment by foreign nationals of the same rights as Luxembourg citizens, rather than on prohibition of racial discrimination. The eighth report, in its paragraph 2, stated that Luxembourg had not been untouched by the wave of racism and xenophobia that had recently been spreading throughout Europe. While he welcomed the measures taken to discourage such acts, it might perhaps be advisable for Luxembourg to adjust its legislation to accord more closely with the provisions of the Convention. Luxembourg was a party to a number of human rights conventions and he would like to know what action it had taken to give those conventions the force of law and ensure that they could be directly invoked in the national courts.

19. The seventh report described the work of the Communal Consultative Commissions for aliens in ensuring integration of foreign nationals. The eighth report had drawn attention to some minor problems in their operation. More information on the nature of those problems and the reason for their occurrence would be useful.

20. With regard to article 2 of the Convention, he welcomed the strong statements made by the Chamber of Deputies and the Government on the subject of racist movements and xenophobia and applauded the action described in paragraphs 31-38 of the seventh report. The Government of Luxembourg was clearly determined to avoid any possible outbreak of racism.

21. He asked for additional information on the subject of consultation of aliens, which was dealt with in paragraphs 37 and 38 of the seventh report.

22. Articles 454 and 455 of the Luxembourg Penal Code (paras. 41-42 of the seventh report) covered some aspects of racial discrimination but did not fully reflect all the provisions of article 4 of the Convention. Greater coordination between the two instruments would therefore be desirable. Paragraphs 7 and 8 of the seventh report recognized the existence of racist groups or movements in the country, although their influence was negligible. Nevertheless, since the formation of such groups was contrary to the provisions of article 4, he asked for more information on their emergence and the preventive action being taken.

23. With regard to the implementation of article 5 of the Convention, it was clear from the reports that aliens resident in Luxembourg broadly enjoyed the same economic, social and cultural rights as citizens, but that did not apply to political rights. He referred in that connection to paragraph 50 of the seventh report concerning the provisions on voting rights under the Treaty of Maastricht, and to paragraphs 22 and 23 of the eighth report regarding the derogations to those provisions which had been granted to Luxembourg, for understandable reasons. His question concerned the voting rights of persons other than nationals of European Union member States. He requested the Government to report more fully on legislative measures to implement article 6 of the Convention concerning effective remedies for victims of racial discrimination. Further information was also needed on the racist incidents and judicial decisions referred to in paragraphs 5 and 6 of the eighth report, and on measures in the important areas of education, culture and information, under article 7 of the Convention.

24. Mr. de GOUTTES said he was gratified to see so large a delegation from Luxembourg. From the two reports (CERD/C/206/Add.1 and CERD/C/236/Add.1), it was evident that Luxembourg had a substantial body of legislation to implement the Convention even if, as previous speakers had said, the requirements of article 4 were perhaps not fully met. He wished to know whether any complementary legislation was being considered to make revisionism - i.e. publications denying the Holocaust - an offence.

25. With regard to the integration of aliens, the institution of consultative commissions by communal councils was a very interesting initiative. The regulation of August 1989, quoted in paragraph 20 of the seventh periodic report, seemed to indicate that the establishment of such commissions in communes in which over 20 per cent of the population were aliens was mandatory, whereas it appeared from paragraph 9 of the eighth report that a number of communes had failed to set up such commissions; he would therefore like to know whether that provision was mandatory or optional. He also requested further information, in addition to that provided in paragraph 23 of the seventh report, on the precise functions of the commissions and their effective role in the practical management of communal life.

26. Referring to the small number of racist incidents reported in paragraph 6 of the eighth report, he wished to know what kind of sentences had been handed down in the cases mentioned, and how many complaints had been filed on alleged acts of racial discrimination. He also asked what action had been taken to follow up the official police reports on Nazi graffiti referred to by the representative of Luxembourg, in order to ascertain the attitude of the courts to that kind of offence. In addition, had the leaders of the neo-Nazi groups referred to by the representative of Luxembourg been identified and prosecuted?

27. He would like confirmation of his understanding that, under the Luxembourg legal system, international treaties ratified by that country, including the Convention, were directly applicable in domestic law and could be invoked in the courts. He asked whether there was any such institution as a national human rights commission coordinating the work of human rights associations and ensuring liaison between them and the administration. Finally, like Mr. Diaconu, he wished to know whether there were any prospects

of Luxembourg making a declaration under article 14, paragraph 1, of the Convention, recognizing the Committee's competence to consider individual communications.

28. Mr. van BOVEN observed, by way of a comment applicable to both Luxembourg and other States members of the European Union, that the growing concern about manifestations of racism and xenophobia had been reflected in many statements by the European Union and in resolutions adopted by the European Parliament, but that little or no reference was made to the International Convention on the Elimination of All Forms of Racial Discrimination in those pronouncements, even though 11 of the 12 member States of the European Union were parties to the Convention. The Convention was also highly relevant to European Union policy on such issues as the treatment of non-nationals and freedom of movement. Further study of those interrelated issues and of the relationship between the Convention and European Union policies and statements was urgently needed. That being said, the point of departure and the general principle should be that every State party to the Convention, regardless of its participation in supranational or intergovernmental structures, remained individually responsible for its implementation.

29. Referring to the legislation adopted in 1980 and contained in articles 454 and 455 of the Penal Code, he associated himself with previous speakers' questions about whether it fully complied with the State party's obligations under article 4 of the Convention. With regard to the statement in paragraph 42 of the seventh periodic report that there were few instances of penalties applied or decisions handed down in respect of those articles of the Penal Code, and the similar statement by the representative of Luxembourg, the question which arose, as in other western European countries, was the extent to which the law enforcement authorities made use of existing legislation in their policies of investigation and prosecution. He would also be grateful for further information on the implementation of article 6 of the Convention concerning effective protection and remedies and just and adequate reparation for damage suffered as a result of discrimination.

30. He, too, would like information on the prospects of Luxembourg making the declaration under article 14, paragraph 1, of the Convention. A regrettably small number of States parties - to his knowledge only 21 - had made such a declaration. In view of Luxembourg's highly constructive role in international cooperation and the considerable value it attached to human rights and human rights procedures, it would contribute substantially to the Committee's work and the implementation of the Convention by accepting the Committee's competence under that article.

31. Mr. SHERIFIS said he was gratified that Luxembourg had sent a large, high-level delegation to continue its dialogue with the Committee. He looked forward to receiving additional information on the questions raised by previous speakers, whose views he shared, particularly regarding implementation of article 4 of the Convention. In addition, he drew attention to article 7 of the Convention, asking whether Luxembourg considered it was complying fully with its obligations under that article, in particular by giving sufficient publicity to the content and purpose of the Convention. Publicizing the Convention was one way of fighting racism and xenophobia, manifestations of which inevitably existed in any country.

32. He fully endorsed the views of other Committee members about the possibility of Luxembourg making the declaration under article 14, paragraph 1, of the Convention, about which he felt very strongly. An unforgivably small number of States parties had made such a declaration. Luxembourg could take pride in its record in many fields, setting an example to other States, and there was no apparent reason why it should not take the lead in accepting the Committee's competence to deal with individual communications. He also asked whether Luxembourg had complied with General Assembly resolution 48/120 and had notified the Secretary-General of its acceptance of the amendments to the Convention approved by the States parties regarding the funding of the Committee; any failure to do so was no doubt an oversight. In conclusion, he said that the Committee's comments on Luxembourg's commendable reports were to be seen in the light of its high expectations of a country which, though small, commanded admiration for its achievements.

33. Mr. SHAHI said that he had been greatly impressed by the liberal immigration policy of Luxembourg and the Government's acknowledgement of the contribution made by foreigners to the building of the Luxembourg State.

34. Paragraph 2 of the seventh periodic report (CERD/C/206/Add.1) gave details of foreign residents in Luxembourg, but the statistics referred principally to citizens of other European countries. He would like information on immigrants to Luxembourg from Asian and African countries.

35. Paragraph 26 of the same report referred to a motion of the Chamber of Deputies concerning the resurgence of racist and extreme right-wing movements. The representative of Luxembourg had mentioned the desecration of a Jewish cemetery: what other racist incidents had taken place and who were the principal targets?

36. Paragraph 2 of the eighth periodic report (CERD/C/236/Add.1) referred to the efforts of the Council of Europe and the Commission of the European Union to combat racist and xenophobic acts. He would like to know more about the anti-discrimination activities of those institutions (of which Luxembourg was a member), in particular, about the importance which they accorded to the International Convention on the Elimination of All Forms of Racial Discrimination.

37. Mr. BANTON said that the Council of Europe had referred to the Convention in its resolutions about racial discrimination. A working party of the Parliament of the European Union had noted which of the member States were parties to the Convention and which had made the declaration provided for in article 14, paragraph 1. The working party had even considered whether the European Union might accede to the Convention in its own right, although it had subsequently decided that such a step would not be legally feasible. Those facts showed that European institutions were indeed familiar with the Convention and with the activities of the Committee.

38. Mr. YUTZIS said that, according to paragraph 7 of the seventh periodic report, the activities of racist or xenophobic groups were on a very small scale and their influence was negligible. However, paragraph 26 quoted a motion adopted by the Chamber of Deputies, referring to recent events in

Luxembourg which showed that the country was not immune from racist and extreme right-wing activities. He would like to know what the actual situation was, particularly since the information in the report might be a little out of date.

39. The establishment of consultative commissions for aliens, described in paragraphs 7-16 of the eighth periodic report, was a most interesting initiative. He hoped that the next periodic report would provide updated statistics to show not only the changes in the situation, but the speed at which they were taking place. There was some indication in the eighth periodic report that the initiative was making slow progress; for instance, almost one quarter of the commissions had held no meeting at all in 1991, and some communes had not established a commission because of a lack of interest on the part of both citizens of Luxembourg and foreigners.

40. Paragraph 3 of the seventh periodic report asserted that most aliens living in Luxembourg shared the culture of the country. What was meant by "culture" - the culture associated with the French language, European culture in general or some other culture? Were non-European aliens living in Luxembourg also deemed to share Luxembourg's culture?

41. Mr. ABOUL-NASR said that Portuguese immigrants, who made up the largest group in Luxembourg, were surely more likely to have a Mediterranean than a northern European culture. He, too, would like more information about non-European residents of Luxembourg. It seemed strange that such a rich country had not attracted immigrants from developing countries, as all its neighbours had done. Did the reason perhaps lie in some aspect of Luxembourg's immigration or visa policy?

42. Mr. SONG Shuhua noted that according to paragraph 24 of the seventh report, the Luxembourg Government was committed to a policy of integration which respected social and cultural identities. The Government must have experienced some problems in implementing that policy; he would welcome details of such problems and the steps taken to resolve them. He, too, thought that, with such a large Portuguese population, there must be some difficulties of cultural assimilation. He would welcome some specific examples.

43. Mr. HESS (Luxembourg) said that he would do his best to answer members' questions on the basis of his own experience, since he had no time to do any research.

44. It was difficult to say what a country's "culture" consisted of; the reports attempted to indicate that most immigrants to Luxembourg shared the same basic system of civilization. It was true that there were few non-European immigrants to Luxembourg, which was possibly due to the fact that, unlike its neighbours, Luxembourg had no former colonies.

45. Members had asked for statistics about non-European immigrants to Luxembourg. The total was approximately 7,300, of whom 1,300 were from the United States and 1,200 from Cape Verde. Many of the latter had come to Luxembourg with Portuguese nationals; most of them had acquired Luxembourg nationality and were well integrated into society. Luxembourg had taken in

more than 4,000 refugees from former Yugoslavia, which was surely the highest proportion of any country in Europe when it was borne in mind that the entire population of Luxembourg was only 400,000.

46. Members had also asked about the rights of foreigners from non-European States. Such rights were established on a reciprocal basis with the State concerned, but in general an application by a foreigner, for instance, to start a business in Luxembourg, would be favourably treated.

47. It was true that some of the consultative commissions for aliens had not been particularly active so far. Under the Act of 27 July 1993, communes with over 20 per cent of aliens were now obliged to establish such a commission, and other communes could choose to do so if they wished. The Government encouraged communes to establish the consultative commissions, but it could not force them to do so, since they enjoyed considerable autonomy in their own areas of responsibility.

48. Mr. Sherifis had asked whether Luxembourg intended to make the declaration provided for in article 14, paragraph 1, of the Convention. For the moment, his Government considered that the European human rights instruments provided enough scope for recourse by individuals who considered that their human rights had been violated. In any case, the Aliens' Commission established under the Act of 27 July 1993, helped to protect the interests of foreign residents. The rest of the Convention, and the other international treaties to which Luxembourg was a party, were directly applicable under Luxembourg law.

49. Members had asked about racist incidents in Luxembourg. It was important to remember that such incidents were very rare - much rarer than in France or Germany, for example. He did not know of any actual racist groups; there were probably a few individual troublemakers, numbering perhaps 25 in all. He had given details of a number of racist incidents, most of them involving the spraying of neo-Nazi graffiti. When those responsible had been traced, they would certainly be prosecuted.

50. A member had asked whether Luxembourg had any laws prohibiting publications supporting the "revisionist" theory of modern history. There were no such laws in Luxembourg but, as far as he knew, no one in Luxembourg had ever publicly expressed revisionist views.

51. Members had asked whether the Criminal Code of Luxembourg corresponded fully with the principles laid down in article 4 of the Convention. In his opinion, the scope of the Criminal Code was so wide that it could be said to cover all the principles laid down in article 4 of the Convention. The Act of 27 July 1993 expressly prohibited racial discrimination.

52. Mr. DUHR (Luxembourg) said that with regard to the treatment of European and other nationals, Luxembourg went beyond the obligations it had entered into under the Convention.

53. In reply to a question on refugees from the former Yugoslavia, he said that there were more than 2,700 such refugees living in Luxembourg. Their status had been defined after consultations with the Office of the

United Nations High Commissioner for Refugees which had led to recognition of their right to work in Luxembourg, thus facilitating their integration in Luxembourg society. Thus far, the experiment had worked well. It was to be hoped that at a future date, the political situation would enable the refugees to return to their homes.

54. Following the discussions with the Committee, he would recommend to his Government that the Convention should be incorporated in the Constitution. The procedures involved in amending a written constitution were, however, exceedingly complicated and slow. The provisions of the Convention already had the same legal force as the Constitution in Luxembourg.

55. With regard to the questions on the implementation of articles 6 and 7 of the Convention, no problems had come to light in the areas in question. A wide range of information was published and distributed to schools with a view to combating racial discrimination. However, the problem was that people could not be forced to read the information provided.

56. As requested by the Committee, the ninth periodic report of Luxembourg would contain further information on the consultative commissions, which had only been in existence since 1989 and were therefore a relatively new institution. By the date of the next periodic report, Luxembourg should be in a better position to assess their performance.

57. In reply to the question whether there was a specific organization responsible for coordinating the activities of non-governmental organizations in the field of human rights, the Luxembourg Institute for Human Rights had been set up in 1992 to coordinate human rights activities.

58. With regard to the question by Mr. Sherifis regarding paragraph 7 of General Assembly resolution 48/120, for procedural reasons, Luxembourg had not yet notified the Secretary-General of its acceptance of the amendments to the Convention approved by the States parties regarding the funding of the Committee. The Government was, however, in favour of the Committee's work being funded as far as possible from the regular budget of the United Nations.

59. A question had been asked about the targets of racist and xenophobic movements. He had no statistics immediately available, but victims tended to be members of the Jewish community. A general absence of racist movements and organizations was possibly due to the relatively small number of non-European nationals residing in Luxembourg.

60. With regard to the commitment of the European Union to human rights and cooperation with United Nations institutions, the newly-elected President of the European Commission, Mr. Jacques Santer, would undoubtedly do his utmost to ensure that human rights policies remained a pillar of the Union.

61. As requested by the Committee, the ninth periodic report of Luxembourg would provide more statistics on cases of racial discrimination and the punishment of the perpetrators, and an attempt would be made to indicate how the Convention was specifically reflected in the Penal Code.

62. Mr. ABOUL-NASR said that, in his view, Luxembourg was not complying fully with article 7 of the Convention, as the production and dissemination of information on racial discrimination was not the only action that was required. Within Europe, younger people were often the most likely to be involved in racist movements and organizations, and the least likely to read rather arid documents on human rights. Such information should be made an integral part of every school's curriculum.

63. Mr. de GOUTTES said it appeared that Luxembourg had not made a declaration under article 14, paragraph 1, of the Convention because it was a State party to the European Convention for the Protection of Human Rights and Fundamental Freedoms which, in its article 14, dealt with discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The Government therefore took it that the European Convention and the procedure for submitting individual complaints together provided the necessary protection. However, studies carried out by the Council of Europe had shown that article 14 of the European Convention was rarely applied and that few individual petitions had come before the European Court of Human Rights or other bodies. Luxembourg should consider following the example of other States parties to the European Convention which had also made declarations under article 14, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, and recognize that the two instruments could be complementary.

64. Mr. van BOVEN said that many European countries assumed that, because they accepted the right of petition under the European Convention, there was no need to grant similar rights to persons under their jurisdiction with regard to worldwide instruments. Irrespective of agreements reached at the regional level, if the United Nations was to function satisfactorily in the field of human rights, there was a legal and moral duty to strengthen worldwide procedures.

65. Article 14 of the European Convention had a limited impact and was being rarely invoked, not least because of procedural difficulties, and only between 6 and 7 per cent of all communications were declared admissible. The objectives and scope of the European and the International Convention differed enormously. For example, the International Convention related in part to social matters, where racial discrimination was frequently encountered. Those matters were not covered by the European Convention. The two Conventions should be seen as complementary.

66. Mr. DIACONU (Country Rapporteur) said he remained unconvinced that legislation in Luxembourg fully met the provisions of article 4, as racist organizations were not prohibited as such. Persons belonging to such organizations could be punished, but that did not amount to prohibiting racist organizations per se. Legislative provisions in Luxembourg on punishment for acts of discrimination were extremely limited. The ninth periodic report of Luxembourg should provide more detailed information on measures to implement articles 6 and 7.

67. Although there were few racist incidents in Luxembourg, the authorities should remain vigilant to ensure that racist and xenophobic organizations did

not take advantage of the more relaxed legislative and social atmosphere and prepare racist acts to be carried out elsewhere or publish and distribute racist propaganda.

68. Mr. SHERIFIS said that he agreed with the delegation of Luxembourg with regard to article 7 insofar as no one could be forced to read literature on racial discrimination. However, education provided a vital channel for preventing it. He asked whether messages were sent by the Head of State or Government to the Secretary-General of the United Nations in connection with the commemoration of Human Rights Day or the International Day for the Elimination of Racial Discrimination, and if so, whether they were publicized by the media.

69. It was to be hoped that before Luxembourg's ninth periodic report, the Government could be prevailed upon to make a declaration under article 14, paragraph 1, of the Convention. Countries of the European Union accounted for 20 per cent of the States which had made such a declaration, and the figure would rise to 30 per cent on 1 January 1995 when membership of the European Union would be enlarged.

70. Mr. HESS (Luxembourg) said that he would pass on the Committee's requests concerning a declaration under article 14, paragraph 1.

71. The school authorities in Luxembourg were making great efforts to cater for all their pupils, one outstanding example being the introduction of special classes for the numerous Portuguese children attending Luxembourg's schools. Luxembourg was a multilingual country and excelled in language teaching. Pupils in secondary schools could choose between instruction in Italian, Portuguese, English, French or German.

72. The CHAIRMAN said that the first part of the Committee's consideration of the sixth, seventh and eighth periodic reports of Luxembourg had been concluded.

73. Mr. Hess, Mr. Duhr, Mr. Kniéger and Mr. Weber (Luxembourg) withdrew.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 6) (continued)

Draft decision on terrorist attacks against the Jewish community

74. The CHAIRMAN said a draft decision on terrorist attacks against the Jewish community had been circulated. The text was as follows:

> "1. The Committee condemns the barbarous terrorist attacks against the Jewish community that took place in Buenos Aires on 18 July and in London on 26 and 27 July 1994 that resulted in almost 100 deaths and numerous injured.
>
> "2. The Committee recalls that when condemning these attacks, the United Nations Security Council demanded an immediate halt to all terrorist attacks, stressing the necessity of strengthening international

cooperation in order to adopt effective measures with a view to avoiding, combating and eliminating terrorist attacks against the international community as a whole.

"3. The Committee, as the [monitoring] body of the International Convention on the Elimination of All Forms of Racial Discrimination, [...] reiterates the [plea] of the Security Council, especially as it deals with racist acts such as those already mentioned and invites the Governments of Argentina and the United Kingdom to inform it of the results of the investigations that will be undertaken to clarify these incidents."

75. Mr. ABOUL-NASR said that a new paragraph should be inserted expressing, in very general terms, the Committee's alarm at, and condemnation of, terrorist attacks in all parts of the world. Paragraphs 2 and 3 should follow the wording used by the Security Council in its statement to the press following the terrorist attacks in Buenos Aires and London.

76. Although it was only right and proper that the Committee should censure terrorist attacks, there was no reason why it should limit itself to those targeting the Jewish community. Terrorist attacks should be condemned outright, regardless of who the victims were.

The meeting rose at 1 p.m.